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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,353	09/23/2005	Maarten Peter Bodlaender	NL 030276	1278
24737 7590 10/28/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
ANDRAMUNO, FRANKLIN S				
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2424				
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10/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,353

Applicant(s)

BODLANENDER ET AL.

Examiner

FRANKLIN S. ANDRAMUNO

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 6-8, and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-8, and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/30/08 have been fully considered but they are not persuasive, further all independent claims have been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 2002/0033960 A1) in view of Brown et al (US 6,868,225 B1). Hereinafter referred as Kazami and Brown.

Regarding claims 1 and 10, Kazami discloses a user device and method of storing new content items (5) (**Image File in figure 1** in a memory unit (12) of a user device (1) capable of rendering said content items (**User interface (4) in figure 2**), the memory unit containing old content items (**Disused Image Establishing (5) in figure 4**), the method comprising the steps of: marking any old content items which may be deleted (**Monitoring Means (2) in figure 4**), determining a storage space required for each new content item to be stored, and deleting a marked content item only when

necessary to release storage space for storing a new content item (**Automatic Deleting Means (6) in figure 4**), so as to fill the memory unit substantially to capacity (**page 2 paragraph (0021) lines 10-14**). However, Kazami failed to teach generating a first list of new content items to be stored said first list being compiled by a user; uploading said first list to a server for selecting the new contents items to be downloaded to the user device. Brown discloses in (**figure 24**) a list generated by a user. In addition, Brown teaches the invention provides a multimedia program bookmarking system. The system allows a user to save and retrieve bookmarks for several audio and/or video programs on a single device (**column 1 lines 52-55**). Moreover, Brown also discloses the system loads the associated bookmark information for the user. Any bookmarks that do not have associated programs stored on the storage device are ignored and deleted (**column 2 lines 8-13**).

Therefore, it would have been obvious at the time of the invention to include the use of a generation of a content list and to further load them to a server. This is a useful combination because it allows a system to compile various forms of videos and tag them for later use.

Regarding claim 2, Kazami discloses the method according to claim 1, wherein only as many marked content items are deleted as is necessary to store one new content item (**page 2 paragraph (0026)**)

Regarding claim 6, Kazami discloses the method according to claim 1, wherein the marked old content items are comprised in a second list (9), which second list is

preferably stored in the user device (1) **(Select Candidate for deletion of the motion picture (S8) in figure 8).**

Regarding claim 11, Kazami discloses a system (100) for transferring content items, the system comprising a server (2) for storing content items **(Recording Medium in figure 1)**, at least one user device claimed in claim 10 **(User Interface (4) in figure 2)**, and transfer means (3) for transferring content items from the server to the user device **(Microprocessor (18) in figure 6).**

3. Claims 7-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 2002/0033960 A1) in view Brown et al in view of Chung (US 6,628,963 B1). Hereinafter referred as Chung and Kazami.

Regarding claim 7, Kazami and Brown disclose the method according to claim 1, wherein each content item (5) comprises a piece of music and/or a video clip **(Video signal processor (15) in figure 6. However, they fail to teach** the use of music for uploading and recording. Chung teaches on **(figure 3)** an MP3 audio section (62) used for recording into a CD-ROM Drive.

Therefore, it would have been obvious at the time of the invention to include the use of a piece of music as the content to be included in the recording system. This is a useful combination because it allows music and video to be recorded automatically and deleted when needed.

Regarding claim 8, Chung discloses a software program executable on a processor for carrying out the method according to claim 1 (**CPU (24) in figure 3**).

Regarding claim 12, Chung discloses the system according to claim 11, wherein the transfer means comprises the Internet (**column 2 lines 46-48**).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANKLIN S. ANDRAMUNO** whose telephone number is (571)270-3004. The examiner can normally be reached on **Mon-Thurs (7:30am - 5:00pm)** alternate **Fri off (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424